

11-28-95

m



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Ely District Office  
HC 33 Box 33500  
Ely, Nevada 89301-9408

IN REPLY REFER TO:

IN REPLY REFER TO:

*pmud  
MASR*

4130 (NV-046)

NOV 28 1995

Dear Participant:

Enclosed, for your information and review, is the Management Action Selection Report (MASR) for the Forest Moon Allotment. This report is included with the Proposed Multiple Use Decision.

The MASR is the final section of the allotment evaluation, and completes the monitoring evaluation process. It addresses the primary concerns received from involved interests, lists the technical recommendations considered during the evaluation, and describes the rationale as to why those actions were selected or not selected. The MASR identifies selected changes in management required to meet or make progress towards allotment specific objectives. In addition, the MASR includes the specific terms and conditions for the grazing permit held by the permittee for the Forest Moon Allotment. Finally, the MASR addresses changes to livestock and wild horse management to be included in the Proposed Multiple Use Decision for the allotment.

The MASR is included for your information only. The Proposed Multiple Use Decision initiates the selected management actions on the ground and specifies the procedures for protest.

Sincerely,

*Alfred W. Coulbardon*  
*Acting for,*

Gerald M. Smith, Manager  
Schell Resource Area

2 Enclosures

1. Forest Moon Allotment Management Action Selection Report (11 pages)
2. Proposed Multiple Use Decision For the Forest Moon Allotment (13 pages)

## MANAGEMENT ACTION SELECTION REPORT

### FOREST MOON ALLOTMENT

#### SCHELL RESOURCE AREA

##### A. INTRODUCTION

The Forest Moon Allotment Evaluation was conducted in accordance with the direction set forth in the Washington Office Instruction Memorandum No. 86-706, and based on monitoring data collected between 1987 and 1994. The draft allotment evaluation was sent out October 4, 1995.

Several comments were received pertaining to the Forest Moon Allotment Evaluation conducted in the Schell Resource Area. Copies of the comment letters pertaining specifically to this allotment can be found in Section VII of the allotment evaluation summary, located in the Ely District files. All allotment-specific comments were carefully considered for incorporation into the final evaluation. Some of the primary concerns are addressed as follows:

Concern was expressed on the accuracy of precipitation data in the Crop Yield Index for Sunnyside reporting station.

BLM TR 4000-7, IM NV-89-468, and Adjusting and Forecasting Herbage Yields in the Intermountain Big Sagebrush Region of the Steppe Province guidelines were reviewed. Calculations and data for Sunnyside precipitation were based on data from NOAA and the National Climate Center which began record keeping in 1977. The calculations for the Crop Yield were reviewed and found to be accurate. A typographical error was corrected, in the draft evaluation reference was made to fourteen years of precipitation data being used when actually sixteen years of data were used.

Concern was expressed over adjusted utilization and measured utilization.

Adjusted utilization, the application of the Crop Yield to measured utilization, is used to determine what utilization would be during a normal production year on an allotment. Precipitation is an important factor in forage production. The Schell Resource Area has applied the Sneva model with a great deal of care and knowledge to allotments since the first evaluations were completed. The Schell Resource Area believes this model gives an accurate representation of available forage on a "normal year" basis.

Measured utilization is used to determine whether or not site specific objectives are met or not met. If the allowable use levels are exceeded the objective is not met. The Crop Yield is **not** applied to measured utilization to determine if a site specific objective is met or not met.

Concern was expressed about overuse of riparian areas on the allotment when livestock return to the allotment.

At the present time, all riparian areas are in proper functioning conditioning; however, livestock have not used the allotment since 1992. As stated in the evaluation, we will continue to monitor riparian areas. If in the future we identify overuse on the riparian areas, we will consider fencing these areas to protect them. This will be included with the long-term management actions.

A comment was received regarding management of winterfat sites for ferruginous hawks.

Studies in eastern Nevada found that most ferruginous hawk nests are located within two miles of winterfat sites. The winterfat sites appear to be the primary habitat of the main prey species of ferruginous hawks, the Townsend ground squirrel. By managing the habitat of the ground squirrels, ferruginous hawks would continue to have prey available during the nesting period to feed to their young. Upon closer review of the monitoring data, the allowable use level on winterfat within two miles of the ferruginous hawk nests was not exceeded; therefore, the objective is met. This will be changed in the final evaluation.

Concern was expressed on the development of allotment specific objectives.

The Schell Management Framework Plan (LUP) provides the BLM direction to manage its resources on a resource area basis. The Plan provides guidance for making sound decisions for the variety of land uses encompassed within the resource area. The allotment specific objectives are a quantification of LUP and RPS objectives down to site specific objectives. The Forest Moon Allotment objectives are clearly consistent and in conformance with the Plan. This process was previously challenged and upheld by Administrative Law Judge Switzer in *NJ Ranches v. Bureau of Land Management N2-90-23* and *Fred Buckingham V. Bureau of Land Management N2-91-6*, Decision dated March 17, 1993 and see Natural Resources Defense Council, Inc. v. Hodel, 624 F.Supp. 1045, 1059-1060 (D. Nev. 1985), aff'd, 819 F.2d 927 (9th Cir. 1987).

Conclusions of the evaluation were based upon monitoring data collected and consultation, cooperation, and coordination from the following sources:

Range, wildlife, and wild horse monitoring files compiled by the Schell Resource Area staff.

Input from the International Society for the Protection of Mustangs and Burros, through a letter dated April 10, 1994.

Input from The Nevada Division of Wildlife, through two letters dated October 23, 1995 and November 1, 1995.

Input from the Nevada Commission for the Preservation of Wild Horses, through a letter dated October 24, 1995.

Input from the N-4 Grazing Board/Resource Concepts Inc. through a letter dated October 27, 1995.

## B. ANALYSIS OF MONITORING DATA

Based on the identified issues of the evaluation, two of the seven land use plan objectives for the allotment are not being met under the existing management practices; therefore, implementation of management actions and/or adjustments to livestock and wild horse numbers are necessary to meet these objectives. See Appendix I, II and III for allotment specific objectives. Allowable use levels for the key species selected for specific use areas on the allotment have been exceeded; use pattern data indicates poor distribution of livestock and wild horses. Livestock and wild horses contributed to the high use levels recorded on the allotment.

A portion of the allotment is within the Seaman Wild Horse Herd Management Area. Based on census data, wild horses are using the allotment yearlong. Wild horse use is primarily in the central portion of the allotment.

Wildlife use on the allotment has not contributed to the non attainment of multiple use objectives.

## C. SELECTED MANAGEMENT ACTION

### LIVESTOCK

The selected management actions are identified in Section VI of the Forest Moon Allotment Evaluation and have been modified based on comments and input from the permittee and affected interests. Short term management actions for livestock and wild horses will be implemented the first year. The long term management actions are necessary to make progress towards attainment of multiple use management objectives (refer to Appendix I, II, and III). Implementation of long-term management actions such as range improvement projects are dependent on staff and funding availability.

The selected management actions for the Forest Moon Allotment are as follows:

1. Short Term Management Actions

- a. Adjust permitted use a total of 1,717 AUMs from 3,980 AUMs to 2,263 AUMs. This adjustment in permitted use is based on the evaluation of monitoring data to determine the attainment of multiple use objectives.
- b. Change the season of use for livestock to eliminate continuous spring use. Season of use will be from 06/01 to 03/31.
- c. Improve livestock distribution through implementation of water control management. Water will be turned on into existing ditch systems as identified in Table 1. The treatment levels identified in Table 1 will be used as a guideline due to lack of fences or other boundaries to prevent drift between the general use areas.

<b>Table 1. Livestock Management System Using Water Control.</b>		
<b>General Area</b>	<b>Approximate Period of Use</b>	<b>Approximate Treatment Level (AUMs)</b>
<b>Year 1</b>		
North Ditch System	06/01 - 10/31	1,131
South Ditch System	11/01 - 03/31	1,132
<b>Year 2</b>		
North Ditch System	11/01 - 03/31	1,131
South Ditch System	06/01 - 10/31	1,132
Repeat cycle starting with year 1		

2. Long Term Management Actions

- a. Split the "Reserved for Wildlife" Allotment between the Forest Moon Allotment and the Hardy Springs Allotment and fence the resultant new boundary. This will prevent livestock drift between the two allotments and will prevent unauthorized use of the "Reserved for Wildlife" Allotment. The "Reserved for Wildlife" Allotment is not used by wildlife but is used by cattle from both adjacent allotments.

- b. Rehabilitate approximately 700 acres which were previously used for crops (T. 6 N., R. 60 E., Secs. 20, 29, 31 and 32). Soil erosion has been accelerated and Russian thistle has invaded the area. Reseeding with crested wheatgrass or a native mix of perennial grasses would stabilize soils and decrease wind and water erosion.
- c. Fence riparian areas if monitoring data shows overuse by livestock.

## RATIONALE

Monitoring data indicates that the present livestock and wild horse use has resulted in unacceptable use patterns (heavy to severe use). The short term and long term objectives would be met with the recommended adjustments in grazing use to establish proper carrying capacities based on sustained yield, to improve the vigor and production of key forage plants, and to prevent the invasion of undesirable annual plants, such as halogeton. The establishment of a deferred grazing practice and eliminating spring use should increase forage production, grass and forb composition and plant vigor throughout the allotment. Improved management practices to improve distribution, such as water control management and water developments would also aid in meeting resource objectives throughout the allotment.

## WILD HORSES

### 1. Short Term Management Actions

Manage the wild horses on the Forest Moon Allotment at 15 horses yearlong (184 AUMs)  $\pm$  15% which has been determined to be the optimum level to maintain the thriving natural ecological balance in this portion of the Seaman Herd Management Area (HMA).

### 2. Long Term Management Actions

Maintain the wild horse population at 15 horses yearlong ( $\pm$  15%) until monitoring data indicate that a change is needed. Maintenance could include removals and/or fertility control.

## RATIONALE

Based on census data, wild horses contributed to heavy utilization levels on a portion of the allotment in 1989 and 1990. To reduce utilization levels from 76% to 50% on grasses, a reduction to 15 horses (184 AUMs) is necessary in order to meet the short-term objectives. Appropriate Management Level (AML) for the allotment is 15 horses yearlong (184 AUMs)  $\pm$  15%. This has been determined to be the optimum level in order to achieve a thriving natural ecological balance in this portion of the Seaman HMA.

## D. OBJECTIVES

The allotment objectives under which grazing use, as stated above will be monitored and evaluated are as follows (see appendix I, II, and III for site specific objectives):

### 1. Allotment Specific Objectives

#### a. Livestock

The short term objective will be accomplished through managing the allowable use level (AUL) by season of use to improve or maintain the desired vegetation community.

The long term objective is to improve those acres in poor or fair livestock forage condition and maintain all acres presently in good livestock forage condition by managing for those seral stages which optimize livestock forage production.

#### b. Wild Horses

The short term objective will be accomplished through managing the allowable use level (AUL) by season of use to improve or maintain the desired vegetative community.

The long term objective is to manage for the most appropriate seral stage to provide desired quantity, quality, and variety of forage in order to meet the requirements of the wild horses.

#### c. Mule Deer

The short term objective is to limit use on key species listed for mule deer to 55 percent for perennial grasses, grass-like plants, and forbs, and to 45 percent for shrubs yearlong.

The long term objective is to maintain a diversity index of forage species on mule deer range at .80 or higher to achieve at least fair habitat condition.

#### d. Pronghorn Antelope

The short term objective is to limit use on key species listed for pronghorn antelope to 55 percent for perennial grasses, grass-like plants, and forbs, and to 45 percent for shrubs yearlong.

The long term objective is to maintain vegetation quality rating and diversity

index of forage species on pronghorn antelope range at over 30 points to achieve at least fair habitat condition.

e. Ferruginous Hawks

The short term objective is to limit use on winterfat within two miles of occupied ferruginous hawk nests to 45 percent by all animals yearlong.

The long term objectives are to maintain integrity of existing pinyon/juniper "stringers" near winterfat stands as nesting habitat, and to manage winterfat stands in mid to late seral stage.

f. Riparian Areas

The short term objective is to limit use on wet meadows and stream riparian areas to 50 percent for grass and grass-like species by all animals yearlong.

The long term objective is to manage all wet meadows for late seral stage (80-85 percent grass and grass-like plants, 10-15 percent forbs, and 5 percent shrubs).

g. Wilderness Study Areas

The short term objective is to maintain/improve the current vegetation within the wilderness study area to provide future wilderness values and biodiversity.

The long term objective is to manage the vegetative community to enhance or restore the natural ecosystem.

E. GRAZING ADJUSTMENTS

Active preference will be adjusted as follows:

From:	<u>Total AUMs</u>	<u>Suspended AUMs</u>	<u>Active Preference (AUMs)</u>
	4,027	47	3,980
To:	<u>Permitted Use (AUMs)</u>	<u>Historic Suspended AUMs</u>	
	2,263	47	

Authorized livestock use, effective 03/01/96, will be as follows:

<u>Livestock Number</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Permitted Use</u>
226	Cattle	06/01 to 03/31	100	2,263

The following terms and conditions will be a part of the grazing permit:

- a. Certified actual use report by use area is due 15 days after the end of the authorized grazing period.
- b. To improve livestock distribution, mineral block and/or salt block will be placed a minimum distance of 1/2 mile from water.
- c. Water control management practices will be utilized to improve livestock distribution.

#### F. FUTURE MONITORING AND GRAZING ADJUSTMENTS

The Schell Resource Area will continue to monitor all existing studies and establish additional studies as identified in Section VI of the Allotment Evaluation. This monitoring data will continue to be collected in the future to provide the necessary information for subsequent evaluations. These re-evaluations are necessary to determine if the allotment specific objectives are being met under the new grazing management strategies.

Data on seasonal distribution of wild horses will be collected as will annual census data, dependent on funding.

APPENDIX I

ALLOTMENT: Forest Moon - Livestock and Wild Horse Objectives

				PRESENT SITUATION			LONG TERM OBJECTIVES **			SHORT TERM OBJECTIVES			
Study No.	Key Area Location	Ecological Site No.*	Key Species	Key Spp % Comp By Weight	Seral Stage (% of PNC)	Maintain or Improve	Key Spp % Comp By Weight	Seral Stage (% of PNC)	Allowable Use Level***	Season of Use	Met or Not Met	Rationale	
FMR1	T. 6 N., R. 60 E., Sec. 8 NW	028BY013NV	ORHY EULA5	ORHY 5% EULA5 92% Grasses 6% Forbs 0% Shrubs 94%	58%	Improve	ORHY 5-10% EULA5 <92%	>60%	50% 45%	Yearlong ****	Not Met	AUL exceeded, 1989, 76% on ORHY 1990, 75% on ORHY	
FMR2	T. 6 N., R., 59 E., Sec. 11 NW	028BY011NV	ORHY ARARN	ORHY 25% ARARN 65% Grasses 33% Forbs 2% Shrubs 65%	74%	Maintain	ORHY 20-35% ARARN <65%	50-75%	50% 45%	Yearlong ****	Not Met	AUL exceeded, 1989, 60% on ORHY	
FMR3	T. 5 N., R. 60 E., Sec. 30 NE	028BY008NV	ORHY ARARN	ORHY 5% ARARN 69% Grasses 13% Forbs 5% Shrubs 82%	54%	Improve	ORHY 5-10% ARARN <69%	50-75%	50% 45%	Yearlong ****	Not Met	AUL exceeded, 1989, 60% on ORHY 1990, 60% on ORHY	

\* Ecological sites listed here can be referred to from the U.S. Soil Conservation Service Ecological Site Descriptions. Ecological sites were revised 3/91. Data collected prior to that time was re-analyzed according to the new range site write-ups.

\*\* This is the percent composition and seral stage that would have the desired vegetative characteristics to optimize production, quantity, quality, and variety to provide the greatest forage value for all users.

\*\*\* Allowable use levels for utilization are the short term objectives established to meet the long term composition objectives.

\*\*\*\* Livestock season of use is 06/01 to 03/31 but wild horses use the allotment yearlong.

APPENDIX II

ALLOTMENT: FOREST MOON - WILDLIFE OBJECTIVES

				PRESENT SITUATION			LONG TERM OBJECTIVES		SHORT TERM OBJECTIVES			
Study No.	Key Area Location		Key Species	Habitat Condition Rating		Maintain or Improve	Habitat Condition Rating		Allowable Use Level	Season of Use	Met or Not Met	Rationale
FMW1 - Horse Spring KDW	T. 5 N., R. 59 E., Sec. 5, SENW		COME5 EPVI PUTR2	Good		Maintain	Good		30% 45%	by 11/1 Yearlong	Met	AUL not exceeded

APPENDIX III

Allotment: Forest Moon - Riparian Objectives

			PRESENT SITUATION	LONG TERM OBJECTIVES		SHORT TERM OBJECTIVES			
Study No.	Key Area Location	Key Species	Functioning Condition	Maintain or Improve	Functioning Condition	Allowable Use Level	Season of Use	Met or Not Met	Rationale
South Horse Spring	T. 5 N., R. 59 E., Sec. 7 NWNW	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *	Met	
Unnamed Spring	T. 6 N., R. 59 E., Sec. 16 SWNE	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *	Met	Trampled in 1989**
Forest Home Spring	T. 6 N., R. 59 E., Sec. 18 NESE	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *	Met	Good Condition
Horse Spring	T. 6 N., R. 59 E., Sec. 31 SESW	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *	Met	Good Condition
Mountain Spring	T. 6 N., R. 59 E., Sec. 29 SWSW	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *	Met	
Egan Spring	T. 6 N., R. 61 E., Sec. 8 NWSW	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *	Met	Good Condition
Little Spring (complex of 2)	T. 6 N., R. 59 E., Sec. 32 NESE	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *	Met	Trampled in 1989**

\* Livestock season of use is 06/01 - 03/31 but wild horses use the allotment yearlong.

\*\* All riparian areas are currently in proper functioning condition, however, these springs were trampled in the past



IN REPLY REFER TO:

# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Ely District Office  
HC 33 Box 33500  
Ely, Nevada 89301-9408



IN REPLY REFER TO:

4130 (NV-046)

NOV 28 1995

Mr. John Gurley  
1400 Colorado Street #C  
Boulder City, NV 89005

CERTIFIED MAIL NO.  
Z 425 081 439

## NOTICE OF PROPOSED MULTIPLE USE DECISION FOR THE FOREST MOON ALLOTMENT

### BACKGROUND INFORMATION:

The Management Framework Plan and the Record of Decision for the Schell Grazing Environmental Impact Statement were issued in June and July of 1983, respectively. These documents guide the management of public lands within the Forest Moon Allotment. The Schell Resource Area Record of Decision dated July 1983 states in pertinent part:

"When adequate monitoring data becomes available adjustments to the grazing capacity will be made that are compatible with the multiple use objectives...

Implementation of the range management program will take place through monitoring and consultation and coordination with all interests concerned with the management of resources in a given local area; landowners, land management agencies, wildlife groups, wild horse groups, conservation organizations, etc. Grazing adjustments, if required, will be based upon reliable vegetation monitoring studies, consultation and coordination, baseline inventory, or a combination of these...

Prior to initiating grazing adjustments, the Bureau, within the guidance of the Management Framework Plan and consultation and coordination, will consider the specific management objectives for an allotment and other resource values (e.g., riparian habitat, water quality, wildlife, recreation, wild horses and livestock) to be evaluated in determining progress in meeting these objectives. Changes in the resource values may warrant a modification of the scheduled adjustments and thus indicate the intensity and types of monitoring that will be required in each allotment..."

Monitoring studies were initially established in 1987 and have been conducted since that time. In accordance with Bureau policy and regulations, this data has been analyzed and evaluated in order to determine progress in meeting management objectives for the Forest Moon

Allotment. Input was received from the permittee, two wild horse groups, one wildlife agency, and one livestock interest group.

Appendices I, II, III and IV show the multiple use management objectives for the allotment. These objectives are in conformance with and formulated to accomplish the Schell Land Use Plan multiple use objectives as they relate to all grazing use on the Forest Moon Allotment.

THEREFORE, BASED UPON THE EVALUATION OF MONITORING DATA FOR THE FOREST MOON ALLOTMENT, RECOMMENDATIONS FROM DISTRICT STAFF, INPUT RECEIVED THROUGH CONSULTATION, COOPERATION, AND COORDINATION WITH THE PERMITTEE AND PUBLIC INTEREST GROUPS, THE PROPOSED DECISION IS AS FOLLOWS:

The analysis of monitoring data has revealed that two of seven multiple use objectives for the Forest Moon Allotment are not being met under the existing management practices. Allowable use levels were exceeded in 1989 and 1990 for the key species selected for specific use areas on the allotment. Use pattern data indicates poor distribution of livestock and wild horses. Long term studies data show that two of the three key areas are in an improve mode due to plant species percent composition and seral stage. Therefore, adjustments to livestock numbers and season of use are warranted.

#### LIVESTOCK MANAGEMENT DECISION

In accordance with 43 CFR 4110.3, 4110.3-2(b), and 4130.3-1(a), the livestock permitted use shall be reduced as follows:

##### Livestock Grazing Adjustments

Based on the change in season of use and reduction in numbers, the following grazing adjustments will become effective on March 1, 1996:

<u>From: Total AUMs</u>	<u>Suspended AUMs</u>	<u>Active Preference (AUMs)</u>
4,027	47	3,980

<u>To: Permitted Use (AUMs)</u>	<u>Historic Suspended AUMs</u>
2,263	47

Authorized livestock use, effective 03/01/96, will be as follows:

<u>Livestock Number</u>	<u>Kind</u>	<u>Period of Use</u>	<u>%PL</u>	<u>Permitted Use</u>
226	Cattle	06/01 to 03/31	100	2,263

In accordance with 43 CFR 4130.3-2, the following terms and conditions will be made a part of each grazing permit for the Forest Moon Allotment effective June 1, 1996:

1. Actual use must be submitted within 15 days after completing scheduled use.
2. Locate salt and/or mineral supplements for cattle at locations no closer than ½ mile from water sources.
3. Water control management practices will be utilized to improve livestock distribution. Appendix V shows the water control management guideline.

#### Management Changes

To achieve better livestock control, split the "Reserved for Wildlife" Allotment between the Forest Moon Allotment and the Hardy Springs Allotment. This will prevent livestock drift between the two allotments and will prevent unauthorized use of the "Reserved for Wildlife" Allotment. The "Reserved for Wildlife" Allotment is not used by wildlife but is used by cattle from both adjacent allotments.

#### Rationale:

The analysis and evaluation of available monitoring data indicates that two of the multiple use objectives for the allotment are not being met. Reductions in livestock and wild horse numbers will assure that allowable use levels are not exceeded.

Grazing will be limited during the critical growing season, April and May, which is when the key forage plants are using their stored carbohydrate reserves in order to grow. If plants are continuously grazed heavily during this growth period, carbohydrate reserves in the roots become depleted and are not restored and plants lose their vigor.

Future monitoring data will be evaluated to determine if livestock management practices as specified in this decision for the Forest Moon Allotment are meeting the allotment specific objectives. A decision by the Bureau will then be made to either increase, maintain or reduce the permitted use as identified for these use areas and/or modify the terms and conditions of the grazing permits.

**AUTHORITY:** The authority for this proposed decision is contained in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

4100.0-8: "The authorized officer shall manage livestock grazing on public lands under the principle of multiple use and sustained yield, and in accordance with applicable land use plans. Land use plans shall establish allowable resource uses

(either singly or in combination), related levels of production or use to be maintained, areas of use, and resource condition goals and objectives to be obtained. The plans also set forth program constraints and general management practices needed to achieve management objectives. Livestock grazing activities and management actions approved by the authorized officer shall be in conformance with the land use plan as defined at 43 CFR 1601.0-5(b)."

4110.3: "The authorized officer shall periodically review the permitted use specified in a grazing permit or grazing lease and shall make changes in the permitted use as needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans, or to comply with the provisions of subpart 4180. These changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer."

4110.3-2(b): "When monitoring or field observations show grazing use or patterns of use are not consistent with the provisions of subpart 4180, or grazing use is otherwise causing an unacceptable level or pattern of utilization or, when use exceeds the livestock carrying capacity as determined through monitoring, ecological site inventory or other acceptable methods, the authorized officer shall reduce permitted grazing use or otherwise modify management practices."

4110.3-3(a): "After consultation, cooperation and coordination with the affected permittee or lessee, the State having lands or managing resources within the area, and the interested public, reductions of permitted use shall be implemented through a documented agreement or by decision of the authorized officer..."

4130.3: "Livestock grazing permits and leases shall contain terms and conditions determined by the authorized officer to be appropriate to achieve the management and resource condition objectives for the public lands and other lands administered by the Bureau of Land Management, and to ensure conformance with the provisions of subpart 4180 of this part."

4130.3-1(a): "The authorized officer shall specify the kind and number of livestock, the period(s) of use, the allotment(s) to be used, and the amount of use, in animal unit months, for every grazing permit or lease. The authorized livestock grazing use shall not exceed the livestock carrying capacity of the allotment."

4130.3-2: "The authorized officer may specify in grazing permits or leases other terms and conditions which will assist in achieving management objectives, provide for proper range management or assist in the orderly administration of the public rangelands..."

## PROTEST:

Any applicant, permittee, lessee, or other affected interest may protest this proposed multiple use decision under 43 CFR 4160.1, in person or in writing to Gerald M. Smith, Manager, Schell Resource Area, Bureau of Land Management, HC 33 Box 33500, Ely, Nevada 89301, within 15 days after receipt of such decision. The protest, if filed, should clearly and concisely state the reason(s) as to why the proposed decision is in error.

Subsequent to the protest period, a final multiple-use decision will be issued specifying the appeal procedures.

The final decision may be modified in light of pertinent information brought forth during the protest period.

## WILD HORSE AND BURRO MANAGEMENT DECISION

Manage the wild horses at the appropriate management level of 184 AUMs (15 horses yearlong)  $\pm 15\%$  on the Forest Moon Allotment. This AML has been determined to be the optimum level to maintain the thriving natural ecological balance in this portion of the Seaman Herd Management Area (HMA).

AML will remain at 15 horses  $\pm 15\%$  unless future monitoring data indicates a change is necessary.

Setting wild horse numbers by allotment will eventually provide a total AML for an entire HMA. Removals will occur on an HMA basis and numbers will be maintained at or near the total AML. Numbers within use areas and/or allotments may be higher or lower than the numbers identified above because of seasonal movements but the total AML for the HMA will be maintained.

In accordance with 43 CFR 4700.0-6(a), wild horse use on the Forest Moon Allotment shall be managed at 184 AUMs or 15 horses yearlong.

In accordance with 43 CFR 4720.1, all wild horses in excess of the appropriate management levels for the total HMA will be removed.

Monitoring will continue to ensure that AMLs are maintaining a thriving natural ecological balance.

RATIONALE: The analysis and evaluation of available monitoring data indicates that a change in management actions for wild horses is needed to meet multiple use management objectives on the Forest Moon Allotment as identified in Appendix I. An overpopulation of

wild horses contributed to overutilization and reduction in preferred plant composition at the key areas. The data indicate that there are 184 AUMs available for wild horse grazing use.

AML may be modified based on future monitoring data.

If future monitoring data shows that there are additional AUMs available in the Forest Moon Allotment, wild horses will receive a proportional increase along with all other users.

AUTHORITY: The authority for this decision is contained in Sec. 3(a) and (b) of the Wild Free-Roaming Horse and Burro Act (P.L. 92-195) as amended and in Title 43 of the Code of Federal Regulations, which states in pertinent parts:

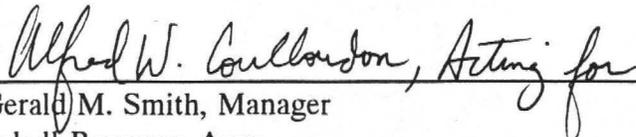
4700.0-6(a): "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

4710.4: "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans."

4720.1: "Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately..."

PROTEST:

Although the 4700 regulations allow for an appeal with no mention of a protest, for the purpose of consistency with the livestock management portion of this decision, the entire multiple use decision is initially being sent as a "Proposed" decision. If you wish to protest this decision, in whole or in part, you are allowed fifteen (15) days from receipt of this notice within which to file a protest with Gerald M. Smith, Manager, Schell Resource Area, Bureau of Land Management, HC 33 Box 33500, Ely, Nevada 89301. Subsequent to the protest period, a final decision will be issued, regardless of whether or not any protests were received. The final decision may be modified in light of pertinent information brought forth during the protest period.

  
Gerald M. Smith, Manager  
Schell Resource Area

Certified Mail No.

cc: Animal Protection Institute of America	Z 425 081 440
Nye County Commisioners	Z 425 081 441
U.S. Fish and Wildlife Service	Z 425 081 442
Resource Concepts, Inc.	Z 425 081 443
Ms. Edie Wilson	Z 425 081 444
Nevada Division of Wildlife, Region II	Z 425 081 445
Nevada Division of Wildlife, Region III	Z 425 081 446
Nevada Division of Wildlife, Mike Podborny	Z 425 081 447
Nevada Division of Wildlife, Kraig Beckstrand	Z 425 081 448
Natural Resources Defense Council	Z 425 081 449
Nevada Cattlemen's Association	Z 425 081 450
Sierra Club, Toiyabe Chapter	Z 425 081 451
American Horse Protection Association	Z 425 081 452
Wild Horse Organized Assistance	Z 425 081 453
Commission for the Preservation of Wild Horses	Z 425 081 454
International Society for the Protection of Mustangs & Burros	Z 425 081 455
Nevada Outdoor Recreation Association c/o Mr. Charlie Watson	Z 425 081 456
Nevada Outdoor Recreation Association c/o Mr. Dan Heinz	Z 425 081 457
Nevada State Grazing Board, N-4	Z 425 081 458
Marvel and Hansen, Attorneys at Law	Z 425 081 459

## APPENDIX I: Land Use Plan/Activity Plan Objectives

### A. Forest Moon Allotment Objectives

The multiple use objectives under which grazing use, as stated previously will be monitored and evaluated are as follows:

a. Livestock (See Appendix II)

The short term objective will be accomplished through managing the allowable use level (AUL) by season of use to improve or maintain the desired vegetation community.

The long term objective is to improve those acres in poor or fair livestock forage condition and maintain all acres presently in good livestock forage condition by managing for those seral stages which optimize livestock forage production.

b. Wild Horses (See Appendix II)

The short term objective will be accomplished through managing the allowable use level (AUL) by season of use to improve or maintain the desired vegetative community.

The long term objective is to manage for the most appropriate seral stage to provide desired quantity, quality, and variety of forage in order to meet the requirements of the wild horses.

c. Mule Deer (See Appendix III)

The short term objective is to limit use on key species listed for mule deer to 55 percent for perennial grasses, grass-like plants, and forbs, and to 45 percent for shrubs yearlong.

The long term objective is to maintain a diversity index of forage species on mule deer range at .80 or higher to achieve at least fair habitat condition.

d. Pronghorn Antelope

The short term objective is to limit use on key species listed for pronghorn antelope to 55 percent for perennial grasses, grass-like plants, and forbs, and to 45 percent for shrubs yearlong.

The long term objective is to maintain vegetation quality rating and diversity index of forage species on pronghorn antelope range at over 30 points to achieve at least fair habitat condition.

e. Ferruginous Hawks

The short term objective is to limit use on winterfat within two miles of occupied ferruginous hawk nests to 45 percent by all animals yearlong.

The long term objectives are to maintain integrity of existing pinyon/juniper "stringers" near winterfat stands as nesting habitat, and to manage winterfat stands in mid to late seral stage.

f. Riparian Areas (See Appendix IV)

The short term objective is to limit use on wet meadows and stream riparian areas to 50 percent for grass and grass-like species by all animals yearlong.

The long term objective is to manage all wet meadows for late seral stage (80-85 percent grass and grass-like plants, 10-15 percent forbs, and 5 percent shrubs).

g. Wilderness Study Areas

The short term objective is to maintain/improve the current vegetation within the wilderness study area to provide future wilderness values and biodiversity.

The long term objective is to manage the vegetative community to enhance or restore the natural ecosystem.

APPENDIX II

ALLOTMENT: Forest Moon - Livestock and Wild Horse Objectives

				PRESENT SITUATION			LONG TERM OBJECTIVES **		SHORT TERM OBJECTIVES	
Study No.	Key Area Location	Ecological Site No.*	Key Species	Key Spp % Comp By Weight	Seral Stage (% of PNC)	Maintain or Improve	Key Spp % Comp By Weight	Seral Stage (% of PNC)	Allowable Use Level***	Season of Use
FMR1	T. 6 N., R. 60 E., Sec. 8 NW	028BY013NV	ORHY EULA5	ORHY 5% EULA5 92%  Grasses 6% Forbs 0% Shrubs 94%	58%	Improve	ORHY 5-10% EULA5 <92%	>60%	50% 45%	Yearlong ****
FMR2	T. 6 N., R., 59 E., Sec. 11 NW	028BY011NV	ORHY ARARN	ORHY 25% ARARN 65%  Grasses 33% Forbs 2% Shrubs 65%	74%	Maintain	ORHY 20-35% ARARN <65%	50-75%	50% 45%	Yearlong ****
FMR3	T. 5 N., R. 60 E., Sec. 30 NE	028BY008NV	ORHY ARARN	ORHY 5% ARARN 69%  Grasses 13% Forbs 5% Shrubs 82%	54%	Improve	ORHY 5-10% ARARN <69%	50-75%	50% 45%	Yearlong ****

\* Ecological sites listed here can be referred to from the U.S. Soil Conservation Service Ecological Site Descriptions. Ecological sites were revised 3/91. Data collected prior to that time was re-analyzed according to the new range site write-ups.

\*\* This is the percent composition and seral stage that would have the desired vegetative characteristics to optimize production, quantity, quality, and variety to provide the greatest forage value for all users.

\*\*\* Allowable use levels for utilization are the short term objectives established to meet the long term composition objectives.

\*\*\*\* Livestock season of use is 06/01 to 03/31 but wild horses use the allotment yearlong.

APPENDIX III

ALLOTMENT: FOREST MOON - WILDLIFE OBJECTIVES

				PRESENT SITUATION			LONG TERM OBJECTIVES		SHORT TERM OBJECTIVES	
Study No.	Key Area Location		Key Species	Habitat Condition Rating		Maintain or Improve	Habitat Condition Rating		Allowable Use Level	Season of Use
FMW1 - Horse Spring KDW	T. 5 N., R. 59 E., Sec. 5, SENW		COME5 EPVI PUTR2	Good		Maintain	Good		30% 45%	by 11/1 Yearlong

APPENDIX IV

Allotment: Forest Moon - Riparian Objectives

			PRESENT SITUATION	LONG TERM OBJECTIVES		SHORT TERM OBJECTIVES	
Study No.	Key Area Location	Key Species	Functioning Condition	Maintain or Improve	Functioning Condition	Allowable Use Level	Season of Use
South Horse Spring	T. 5 N., R. 59 E., Sec. 7 NWNW	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *
Unnamed Spring	T. 6 N., R. 59 E., Sec. 16 SWNE	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *
Forest Home Spring	T. 6 N., R. 59 E., Sec. 18 NESE	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *
Horse Spring	T. 6 N., R. 59 E., Sec. 31 SESW	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *
Mountain Spring	T. 6 N., R. 59 E., Sec. 29 SWSW	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *
Egan Spring	T. 6 N., R. 61 E., Sec. 8 NWSW	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *
Little Spring (complex of 2)	T. 6 N., R. 59 E., Sec. 32 NESE	Grass & grass-like species	Proper Functioning Condition	Maintain	Proper Functioning Condition	50%	Yearlong *

\* Livestock season of use is 06/01 - 03/31 but wild horses use the allotment yearlong.

Appendix V. Water Control Management Guideline

<b>Livestock Management System Using Water Control.</b>		
<b>General Area</b>	<b>Approximate Period of Use</b>	<b>Approximate Treatment Level (AUMs)</b>
<b>Year 1</b>		
North Ditch System	06/01 - 10/31	1,131
South Ditch System	11/01 - 03/31	1,132
<b>Year 2</b>		
North Ditch System	11/01 - 03/31	1,131
South Ditch System	06/01 - 10/31	1,132
Repeat cycle starting with year 1		



**COMMISSION FOR THE  
PRESERVATION OF WILD HORSES**

**255 W. Moana Lane**

**Suite 207A**

**Reno, Nevada 89509**

**(702) 688-2626**

December 13, 1995

Mr. Gerald Smith  
Schell Resource Area  
Bureau of Land Management  
HC 33 Box 33500  
Ely, Nevada 89301-9408

Subject: Protest - PMUD - Forest Moon Allotment

Dear Mr. Smith:

The Commission for the Preservation of Wild Horses has received the proposed decision and management action selection report for the Forest Moon Allotment. Our agency provided comments to the draft allotment evaluation.

Comments submitted to the draft allotment evaluation included a management action alternative based upon similar proposed decision made by the Schell Resource Area affecting the White River Wild Horse Herd. We were unable to determine why our alternative was not included in the pending report or proposed decision.

We would appreciate your attention to address the specific errors to your proposed decision mentioned in our previous comments to the draft allotment evaluation. The management action alternative developed by the Commission should be considered or rebutted in the final decision.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB  
Executive Director